



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/687,956

10/17/2003

Robert Joyce

2950P085

9862

21186

7590

07/08/2009

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.

P.O. BOX 2938

MINNEAPOLIS, MN 55402

EXAMINER

RIVIERE, HEIDI M

ART UNIT

PAPER NUMBER

3689

NOTIFICATION DATE

DELIVERY MODE

07/08/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspto@slwip.com

Office Action Summary	Application No. 10/687,956	Applicant(s) JOYCE ET AL.	
	Examiner HEIDI RIVIERE	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO ARGUMENTS

1. Applicant's arguments with respect to **claims 1-56** have been considered however they are not persuasive. Examiner used **Philonenko et al. (US 2003/0009530 A1)** (hereinafter "**Philonenko**"); **Gusick et al. (US 2001/0047270 A1)** and **Petrunka et al. (US 5,987,116)** (hereinafter "**Petrunka**") to reject the claims. The claims have been amended to include the term "automatically" as well as new limitations. The amendments are addressed within the current action and therefore, the rejections are not withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-56 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example, claim 1 states "identifies an expert group from the at least one expert group". Does Applicant mean a group within a group or an expert within a group of experts?

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

Art Unit: 3689

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-7, 11-27, 31-40 and 43-49** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Philonenko et al. (US 2003/0009530 A1)** (hereinafter "**Philonenko**") in view of **Brown et al. (US 2003/0112952 A1)** (hereinafter "**Brown**").

6. **With respect to claim 1:** (Currently amended) Philonenko discloses:

- Receiving the first immediate message and invoking a workflow based upon the selection in response to the first immediate message; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message received from client, the intent of the request is matched with the available agent)
- wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51, 54-56, and 61 - agent status is monitored; instant message sent out to obtain most

Art Unit: 3689

current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach communicating at least one expert group to an agent; receiving a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; identifying at least one expert that is associated with the expert group. However, Brown teaches:

- establishing an immediate message connection between the at least one expert and the agent in response to acceptance by the at least one expert; communicating an expert group list including at least one expert group to an agent seated at an agent desktop machine serving a customer; (Brown: paragraphs 26-32, 49 – list of parties with special call completion rules; availability limited to certain types or categories of calls; agent operating on computing device)
- receiving a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; identifying automatically at least one expert that is associated with the expert group utilizing the workflow; (Offering by immediate messaging an opportunity to accept the request for assistance to the at least on expert; and (Brown: paragraphs 25-32– list of parties with special call completion

Art Unit: 3689

rules; availability limited to certain types or categories of calls; instant messaging can be used)

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

7. **With respect to claims 2 and 22:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the identifying the at least one expert includes retrieving a predefined association between the at least one expert and the expert group. However, Brown teaches the identifying the at least one expert includes retrieving a predefined association between the at least one expert and the expert group. (Brown: paragraph 28 – availability limited to certain types of calls).

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

8. **With respect to claims 3 and 23:** (Currently amended) Philonenko teaches the limitations cited in the rejections above. Philonenko does not teach specifically the following, however Brown teaches the identifying the at least one expert includes using an immediate message service to monitor a status of the at least one expert and

Art Unit: 3689

identifying at least one expert if the at least one expert is on-line. (Brown: paragraphs 25-32, 45-47– list of parties with special call completion rules; availability limited to certain types or categories of calls; instant messaging can be used)

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

9. **With respect to claims 4 and 24:** (Currently amended) Philonenko teaches the limitations cited in the rejections above. Philonenko does not teach specifically the following, however Brown teaches the identifying the at least one expert includes identifying the at least one expert even if not on-line if the status of the at least one expert not on-line permits an interruption. (Brown: paragraphs 25-32, 40-43, 48-49 – list of parties with special call completion rules; availability limited to certain types or categories of calls; instant messaging can be used; when a party is “unavailable” as determined via instant message; if immediate connection is requested ... called party may have configure preferences or call completion rules to allow emergency calls)

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

Art Unit: 3689

10. **With respect to claim 5:** Philonenko teaches the identifying the at least one expert includes executing a workflow including business logic to access configuration data associated with the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

11. **With respect to claims 6 and 26:** (Currently amended) Philonenko teaches the identifying of the at least one expert includes communicating via an instant message service to determine if the at least one expert will provide expert support to the agent and displaying a request for service to the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

12. **With respect to claims 7 and 27:** Philonenko teaches communicating via an immediate message service includes at least one of a parallel communication and a serial communication. (paragraphs 51 and 54-57 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability; response message can be returned)

13. **With respect to claims 11 and 31:** (Currently amended) Philonenko teaches identifying of the at least one expert includes identifying a predetermined number of

Art Unit: 3689

experts that may accept the request for assistance. (paragraphs 62-63 – out of 12 available agents 1 is chosen)

14. **With respect to claims 12 and 32:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the establishing of the immediate message connection includes connecting the agent to a customer interaction system, which in turn, is connected to the at least one expert. However, Brown teaches the establishing of the immediate message connection includes connecting the agent to a customer interaction system, which in turn, is connected to the at least one expert. (Brown: paragraphs 25-32, 45-47– list of parties with special call completion rules; availability limited to certain types or categories of calls; instant messaging can be used for parties to communicate with each other; call processors direct calls).

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

15. **With respect to claims 13 and 33:** Philonenko teaches the customer interaction system is dropped from the immediate message connection. (paragraphs 109-111 – client status can be shown to be off-line)

16. **With respect to claims 14 and 34:** (Currently amended) Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the expert group, the at least one expert and the agent are identified with instant message screen names

Art Unit: 3689

and the at least one expert and the agent communicate by instant messaging through an instant message service. However, Brown teaches the expert group, the at least one expert and the agent are identified with instant message screen names and the at least one expert and the agent communicate by instant messaging through an instant message service. (Brown: paragraphs 25-32, 45-47— list of parties with special call completion rules; availability limited to certain types or categories of calls; instant messaging can be used for parties to communicate with each other)

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

17. **With respect to claims 15 and 35:** Philonenko teaches the immediate message includes an instant message and the immediate message connection includes an instant message connection and an immediate message service includes an instant message service and an immediate message session includes an instant message session and an immediate message metadata includes an instant message metadata. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

18. **With respect to claims 16 and 36:** (Currently amended) Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach wherein he at

Art Unit: 3689

least one expert is an initial expert and wherein the customer interaction system adds additional experts to the instant message session enabling consultation between the agent and multiple experts. However, Brown teaches the customer query includes at least one of an email, a telephone call, a second immediate message, and a web chat that is established and processed by a customer interaction system. (Brown: paragraphs 25-27 – list can be modified)

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

19. **With respect to claims 17 and 37:** Philonenko teaches including logging an immediate message session between the agent and the at least one expert in an immediate message log for subsequent searching, wherein the immediate message session includes immediate message metadata and immediate messages. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load , i.e. how many calls waiting or unanswered emails will be used to determine availability)

20. **With respect to claims 18 and 38:** (Currently amended) Philonenko teaches including capturing statistics on a plurality of immediate message sessions and reporting the statistics to facilitate the management of the customer interaction system. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to

Art Unit: 3689

obtain most current status information from server; agents work load , i.e. how many calls waiting or unanswered emails will be used to determine availability)

21. **With respect to claims 19 and 39:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach the identifying the at least one expert includes identifying the at least one expert based on the name of an expert that was selected by the agent. However, Brown teaches the identifying the at least one expert includes identifying the at least one expert based on the name of an expert that was selected by the agent. (Brown: paragraph 22 – instant messenger user name).

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

22. **With respect to claims 20 and 40:** Philonenko teaches the limitations recited in the rejections above. Philonenko does not teach communicating at least one expert group to the agent includes communicating expert groups associated with the agent. However, Brown teaches communicating at least one expert group to the agent includes communicating expert groups associated with the agent. (Brown: paragraphs 26-32, 49 – list of parties with special call completion rules; availability limited to certain types or categories of calls; agent operating on computing device).

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically

Art Unit: 3689

establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

23. **With respect to claim 21:** (Currently amended) Philonenko discloses:

- A connection module to establish an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (Brown: paragraphs 26-32, 49 – list of parties with special call completion rules; availability limited to certain types or categories of calls; agent operating on computing device)

Philonenko does not teach communicating at least one expert group to an agent; receiving a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; identifying at least one expert that is associated with the expert group. However, Brown teaches:

- A communication module to communicate at least one expert group to an agent serving a customer, the communication module to further receive a selection from the agent the identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the at least one expert group; (Brown: paragraphs 26-32, 49 – list of parties with special call completion

Art Unit: 3689

rules; availability limited to certain types or categories of calls; agent operating on computing device);

- An identification module to invoked a workflow based upon the selection in response to the first immediate message and to utilize the workflow to automatically identify at least one expert that is associated with the expert group; (Brown: paragraphs 20-32, 49 – identification of called party; instant messaging used; connection between two or more parties via computing device; list of parties with special call completion rules; availability limited to certain types or categories of calls; agent operating on computing device).

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

24. **With respect to claim 25:** Philonenko teaches the identification module is to execute a workflow that includes business logic to access configuration data associated with the at least one expert to identify the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability).

25. **With respect to claim 43:** (Currently amended) Philonenko teaches:

Art Unit: 3689

- Receiving the first immediate message and invoking a workflow in response to the first immediate message and the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message received from client, the intent of the request is matched with the available agent)
- establishing an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach communicating a choice of preferences to an agent; receiving a selection of preferences from the agent, the selection of preferences triggering a first immediate message that includes a request for assistance from at least

Art Unit: 3689

one expert; and identifying at least one expert based on the selection of preferences.

However, Brown teaches:

- communicating a choice of preferences to an agent serving a customer; receiving a selection of preferences from the agent, the selection of preferences triggering a first immediate message that includes a request for assistance from at least one expert; identifying at least one expert based on the selection of preferences automatically using the workflow; (Brown: paragraphs 20-32, 49 – identification of called party; instant messaging used; connection between two or more parties via computing device; list of parties with special call completion rules; availability limited to certain types or categories of calls; agent operating on computing device; instant messenger user name)

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

26. **With respect to claim 44:** Philonenko teaches the identifying the at least one expert includes using an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Art Unit: 3689

27. **With respect to claim 45:** Philonenko teaches the identifying the at least one expert includes identifying the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

28. **With respect to claim 46:** (Currently amended) Philonenko teaches:

- a communication module to communicate a choice of preferences to an agent serving the customer, the communication module to further receive a selection of preferences from the agent, the selection of preferences triggering a first immediate message that includes a request for assistance from at least one expert; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability) and
- a connection module to establish an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status

information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko teaches the use of instant messaging but does not teach an identification module to identify at least one expert based on the selection of preferences. However, Brown teaches:

- an identification module to invoke a workflow based on the selection in response to the first immediate message and to utilize the workflow to automatically identify at least one expert based on the selection of preferences; (Brown: paragraphs 20-32, 49 – identification of called party; instant messaging used; connection between two or more parties via computing device; list of parties with special call completion rules; availability limited to certain types or categories of calls; agent operating on computing device; instant messenger user name)

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

29. **With respect to claim 47:** Philonenko teaches the identification module utilizes an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to

Art Unit: 3689

obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

30. **With respect to claim 48:** Philonenko teaches the identification module is to identify the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

31. **With respect to claim 49:** (Currently amended) Philonenko teaches:

- receive a selection of preferences from the agent, the selection of preferences triggering a first immediate message that includes a request for assistance from at least one expert; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability) and
- receiving the first immediate message and invoking a workflow based upon the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when

Art Unit: 3689

instant message received from client, the intent of the request is matched with the available agent)

- establish an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach communicate a choice of preferences to an agent and identify at least one expert based on the selection of preferences. However, Brown teaches:

- communicate a choice of preferences to an agent serving a customer; identify automatically at least one expert based on the selection of preferences utilizing the workflow; (Brown: paragraphs 20-32, 49 – identification of called party; instant messaging used; connection between two or more parties via computing device; list of parties with special call completion rules; availability limited to certain types or categories of calls; agent operating on computing device)and

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically

Art Unit: 3689

establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

32. **Claims 41, 42 and 50-56** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Philonenko** in view of **Petrunka et al. (US 5,987,116)** (hereinafter "**Petrunka**").

33. **With respect to claim 41:** (Previously presented) Philonenko teaches:

- second means for automatically identifying at least one expert that is associated with the expert group using the workflow; (paragraphs 62-63 – out of 12 available agents 1 is chosen) and
- third means for establishing an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)
- means for receiving the first immediate message and invoking workflow based upon the selection; (paragraphs 43-50 – agent has personal computer which is connected to a web server)

Philonenko does not teach a first means for communicating an expert group to an agent, the first means to further receive a selection from the agent that identifies the expert group, the selection triggering a first immediate message that requests assistance from the at least one expert group. However, Petrunka teaches:

- first means for communicating an expert group to an agent, the first means to further receive a selection from the agent that identifies the expert group, the selection triggering a first immediate message that requests assistance from the at least one expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

34. **With respect to claim 42:** (Previously presented) Philonenko teaches:

- communicate an expert group listing including at least one expert group to an agent serving a customer; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)
- receive the first immediate message and invoke a workflow based upon the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments

Art Unit: 3689

the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message received from client, the intent of the request is matched with the available agent)

- identify automatically at least one expert that is associated with the expert group utilizing the workflow; (paragraphs 62-63 – out of 12 available agents 1 is chosen) and
- establish an immediate message connection between the at least one expert and the agent, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the agent so the agent may respond to the customer query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach receive a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first

Art Unit: 3689

immediate message that includes a request for assistance from the expert group.

However, Petrunka teaches:

- receive a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

35. **With respect to claim 50:** (Previously presented) Philonenko teaches:

- receiving the first immediate message and invoking a workflow based upon the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when

Art Unit: 3689

instant message received from client, the intent of the request is matched with the available agent)

- identifying automatically at least one expert that is associated with the expert group using the workflow; (paragraphs 62-63 – out of 12 available agents 1 is chosen) and
- establishing an immediate message connection between the at least one expert and the requester, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the requester so the requester may receive a response to the requester query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load , i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach communicating at least one expert group to a requester; receiving a selection from the requester that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group. However, Petrunka teaches:

- communicating at least one expert group to a requester; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents) and
- receiving a selection from the requester that identifies an expert group from the at least one expert group, the selection triggering a first

Art Unit: 3689

immediate message that includes a request for assistance from the expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

36. **With respect to claim 51:** Philonenko teaches the identifying the at least one expert includes using an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

37. **With respect to claim 52:** Philonenko teaches identifying the at least one expert includes identifying the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

38. **With respect to claim 53:** (Previously presented) Philonenko teaches:

- an identification module to invoke a workflow based upon the selection and to utilize the workflow to automatically identify at least one expert that

Art Unit: 3689

is associated with the expert group; (paragraphs 62-63 – out of 12 available agents 1 is chosen) and

- a connection module to establish an immediate message connection between the at least one expert and the requester, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the requester so the agent may receive a response to the requester query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach a communication module to communicate at least one expert group to the requester, the communication module to further receive a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group. However, Petrunka teaches:

- a communication module to communicate at least one expert group to the requester, the communication module to further receive a selection from the agent that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

39. **With respect to claim 54:** Philonenko teaches the identification module utilizes an immediate message service to monitor a status of the at least one expert. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability).

40. **With respect to claim 55:** Philonenko teaches the identification module is to identify the at least one expert if the status of the at least one expert permits an interruption. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

41. **With respect to claim 56:** (Previously presented)) Philonenko teaches:

- communicate an expert group list including at least one expert group to a requester; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Art Unit: 3689

- receive the first immediate message and invoke a workflow based upon the selection; (Paragraphs 21, 54-65 – “in some preferred embodiments the networked entities include agents, clients, machines, and software applications and data reporting, and synchronization is conducted using an instant message and presence protocol. In some cases the software agent locates the target entity in the system and requests current data from the entity to build a complete or update an existing model of the presence information belonging to the entity.”; when instant message received from client, the intent of the request is matched with the available agent)
- identify automatically at least one expert that is associated with the expert group using the workflow; (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)and
- establish an immediate message connection between the at least one expert and the requester, wherein the immediate message connection enables the exchange of immediate messages between the at least one expert and the requester so the requester may receive a response to the requester query. (paragraphs 51 and 54-56 - agent status is monitored; instant message sent out to obtain most current status information from

server; agents work load, i.e. how many calls waiting or unanswered emails will be used to determine availability)

Philonenko does not teach receive a selection from the requester that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group. However, Petrunka teaches:

- receive a selection from the requester that identifies an expert group from the at least one expert group, the selection triggering a first immediate message that includes a request for assistance from the expert group; (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

42. **Claims 8-10 and 28-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Philonenko** in view of **Brown** and further in view of **Petrunka**.

43. **With respect to claims 8 and 28:** Philonenko/Brown teach the limitations cited in the rejections above. Philonenko/Brown do not teach the identifying of the at least one expert includes at least one of presenting the request for assistance to all experts in

Art Unit: 3689

the expert group and presenting the request for assistance to a predetermined number of experts in the expert group and presenting the request for assistance to at least one expert based on preferences selected by an agent.

However, Petrunka teaches the identifying of the at least one expert includes at least one of presenting the request for assistance to all experts in the expert group and presenting the request for assistance to a predetermined number of experts in the expert group and presenting the request for assistance to at least one expert based on preferences selected by an agent. (col. 2, lines 45-54 and col. 3, lines 29-38 - routes call from customer to team of agents)

Under the system in Petrunka a customer service system provides the ability to connect a customer with an agent within a virtual team of agents. The amount of agents or customers involved can be one or more. Agent status information is also available with this system. The focus of Philonenko is to provide software that monitors network entities using instant messaging. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties.

44. **With respect to claims 9 and 29:** (currently amended) Philonenko teaches the limitations cited in the references above. Philonenko does not teach, however Brown teaches the further comprising dynamically assigning more than one group screen name to the at least one expert group enabling multiple instant message sessions for an expert within the at least one expert group. (Brown: paragraph 22: instant messenger user name)

Art Unit: 3689

It would have obvious to one of ordinary skill in the art at the time of the invention to combine the Philonenko and Brown references. Brown teaches automatically establishing a telephone connection between a subscriber and a party. Instant messaging is used between the two parties. The focus of Philonenko is to provide software that monitors network entities using instant messaging.

45. **With respect to claims 10 and 30:** (currently amended) Philonenko teaches including notifying and excluding other experts from accepting the request for assistance after the identifying a maximum number of experts who accepted the request for assistance. (paragraphs 99-102 -user status is monitored; by monitoring user status agent is aware if case or question has been accepted by another; paragraphs 62-63 – out of 12 available agents 1 is chosen)

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heidi Riviere whose telephone number is 571-270-1831. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. R./
Examiner, Art Unit 3689

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
7/5/09